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# 114-814 MJ

FILED

NOV 2 0 2013

CLERK, U.S. DISTRICT COURT WESTERN DISTRICT, OF TEXAS BY DEPUTY CLEBY

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS MIDLAND-ODESSA DIVISION

UNITED STATES OF AMERICA,

Plaintiff.

V.

KENNETH SIMON BRZOZNOWSKI,

Defendant.

CRIMINAL NO. WO 13 CR - 303

[Vio: 18 U.S.C. § 2422(b) - Coercion and Enticement of a Minor to Engage in Sexual Activity;
18 U.S.C. § 2251 – Production and Live Transmission of Child Pornography;
18 U.S.C. § 22604

Transmission of
Child Pornography;
18 U.S.C. § 2260A –
Penalties for Registered Sex
Offender]

United States Course Seathern District of Texas

AUG 2 0 2014

Bridd J. Bradley, Clerk of Count

### THE GRAND JURY CHARGES:

<u>COUNT ONE</u> [18 U.S.C. § 2422(b)]

That from on or about October 18, 2013, to on or about October 21, 2013, in the Western District of Texas, the Defendant,

### KENNETH SIMON BRZOZNOWSKI,

did use a facility of interstate and foreign commerce, to wit: a cellular telephone and the internet, to knowingly persuade, induce, and entice "Jane Doe-1" who had not attained the age of 18 years to engage in sexual activity for which **KENNETH SIMON BRZOZNOWSKI** could be prosecuted under Texas Penal Code Section 43.25 - Sexual Performance by a Child, all in violation of Title 18, United States Code, Section 2422(b).

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# <u>COUNT TWO</u> [18 U.S.C. § 2422(b)]

That from on or about October 12, 2013, to on or about October 25, 2013, in the Western District of Texas, the Defendant,

#### KENNETH SIMON BRZOZNOWSKI,

did use a facility of interstate and foreign commerce, to wit: a cellular telephone and the internet, to knowingly persuade, induce, and entice "Jane Doe-2" who had not attained the age of 18 years to engage in sexual activity for which **KENNETH SIMON BRZOZNOWSKI** could be prosecuted under Texas Penal Code Section 43.24(b)(3) – Display of Material Harmful to a Minor, all in violation of Title 18, United States Code, Section 2422(b).

# <u>COUNT THREE</u> [18 U.S.C. § 2422(b)]

That from on or about October 24, 2013, in the Western District of Texas, the Defendant, KENNETH SIMON BRZOZNOWSKI.

did use a facility of interstate and foreign commerce, to wit: a cellular telephone the internet, to knowingly attempt to persuade, induce, and entice "Jane Doe-3" who had not attained the age of 18 years to engage in sexual activity for which **KENNETH SIMON BRZOZNOWSKI** could be prosecuted under Texas Penal Code Section 43.24(b)(3) – Display of Material Harmful to a Minor, all in violation of Title 18, United States Code, Section 2422(b).

### <u>COUNT FOUR</u> [18 U.S.C. § 2422(b)]

That from on or about October 13, 2013, to on or about October 14, 2013, in the Western District of Texas, the Defendant,

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### KENNETH SIMON BRZOZNOWSKI,

did use a facility of interstate and foreign commerce, to wit: a cellular telephone and the internet, to knowingly attempt to persuade, induce, and entice "Jane Doe-4" who had not attained the age of 18 years to engage in sexual activity for which **KENNETH SIMON BRZOZNOWSKI** could be prosecuted under Texas Penal Code Section 43.24(b)(3) – Display of Material Harmful to a Minor, all in violation of Title 18, United States Code, Section 2422(b).

# COUNT FIVE [18 U.S.C. § 2251(a)]

That from on or about October 18, 2013, to on or about October 21, 2013, in the Western District of Texas, the Defendant,

#### KENNETH SIMON BRZOZNOWSKI,

did attempt to employ, use, persuade, induce, entice, and coerce "Jane Doe-1" to engage in sexually explicit conduct for the purpose of producing and transmitting a live visual depiction of such conduct, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, § 2251(a).

### COUNT SIX [18 U.S.C. § 2251(a)]

That from on or about October 12, 2013, to on or about October 25, 2013, in the Western District of Texas, the Defendant,

### KENNETH SIMON BRZOZNOWSKI,

did attempt to employ, use, persuade, induce, entice, and coerce "Jane Doe-2" to engage in sexually explicit conduct for the purpose of producing and transmitting a live visual depiction of

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such conduct, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, § 2251(a).

### <u>COUNT SEVEN</u> [18 U.S.C. § 2251(a)]

That from on or about October 24, 2013, in the Western District of Texas, the Defendant, KENNETH SIMON BRZOZNOWSKI,

did attempt to employ, use, persuade, induce, entice, and coerce "Jane Doe-3" to engage in sexually explicit conduct for the purpose of producing and transmitting a live visual depiction of such conduct, using materials that have been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, § 2251(a).

## <u>COUNT EIGHT</u> [18 U.S.C. § 2260A]

On or about October 18, 2013, in the Western District of Texas, the Defendant,

### KENNETH SIMON BRZOZNOWSKI,

an individual required by Federal or other law to register as a sex offender, committed a felony offense involving a minor under Title 18, United states Code, Section 2422. All in violation of Title 18, United States Code, § 2260A.

A TRUE BILL.

Original signed by the foreperson of the Grand Jury FOREPERSON OF THE GRAND JURY

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ROBERT PITMAN
UNITED STATES ATTORNEY

AUSTIN M. BERRY

Assistant United States Attorney

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# **SEALED**

PERSONAL DATA SHEET (REDACTED)
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXASIO 4 7 00 202

	WESTERN STOTE OF TEXAL	MU136K-303
COUNTY: Midland	DIVISION: MIDLAND/ODESSA	JUDGE:
DATE: November 20, 2013	MAG CT #: N/A	FBI #:
CASE NO: MO-13-CR-	ASSISTANT U.S. ATTORNEY:	
DEFENDANT: KENNETH SIMON BRZOZNOWSKI		DOB: XXXXXXXXXX
ADDRESS: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX		
CITIZENSHIP: INTERPRETER NEEDED LANGUAGE:		
DEFENSE ATTORNEY: No attorney yet		
DEFENDANT IS: Not in custody		
DATE OF ARREST:		BENCH WARRANT: XXX
PROBATION OFFICER:		
NAME AND ADDRESS OF SURETY:		
YOUTH CORRECTIONS ACT APPLICABLE: No		
PROSECUTION BY: Indictment		
OFFENSE (Code and Description): Ct. 1-4 - 18 USC 2422(b) - Coercion & enticement of a minor to engage in sexual activity; Ct. 5-7 - 18 USC 2251- Production and Live Transmission of Child Pornography; Ct. 8 - 18 USC 2260A - Penalties for Registered Sex Offender		
OFFENSE IS: FELONY		
MAXIMUM SENTENCE: Ct. 1-4 - A minimum mandatory term of imprisonment of 10 years, not to exceed life; a minimum mandatory term of supervised release of 5 years, not to exceed life; a fine not to exceed \$250,000; and a mandatory \$100 special assessment; Ct. 5-7 - A minimum mandatory term of imprisonment of 15 years, not to exceed 30 years; a minimum mandatory term of supervised release of 5 years, not to exceed life; a fine not to exceed \$250,000; and a mandatory \$100 special assessment; Ct. 8 - A mandatory term of imprisonment of 10 years in addition to the imprisonment imposed for the felony offense involving a minor in Count 1, and this punishment shall run consecutive to any sentence imposed for the felony offense in Count 1; a mandatory term of supervised release of 5 years; a fine not to exceed \$250,000; and a mandatory \$100 special assessment.		
PENALTY IS MANDATORY: As stated above.		
REMARKS: AGENT: Special Agent Heath Hardwick 432-681-7914		